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9 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. AL2004-128

12 CYNTHIA LEE BILLINGS  
13 P. O. Box 8923  
14 Truckee, CA 96162-8923

**STATEMENT OF ISSUES**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin (Complainant) brings this Statement of Issues solely in her  
19 official capacity as the Executive Officer of the California Board of Occupational Therapy,  
20 Department of Consumer Affairs.

21 2. On or about June 6, 2005, the California Board of Occupational Therapy,  
22 Department of Consumer Affairs, received an application for licensure as an occupational  
23 therapist from Cynthia Lee Billings (Respondent). On or about May 9, 2005, Cynthia Lee  
24 Billings certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the California Board of  
28 Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the

1 following laws. All section references are to the Business and Professions Code unless  
2 otherwise indicated.

3 4. Section 2570.26 states:

4 "(a) The board may, after a hearing, deny, suspend, revoke, or place on probation  
5 a license, certificate, inactive license, inactive certificate, or limited permit.

6 "(b) As used in this chapter, license includes a license, certificate, limited permit,  
7 or any other authorization to engage in practice regulated by this chapter.

8 "(c) The proceedings under this section shall be conducted in accordance with  
9 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
10 Code, and the board shall have all the powers granted therein."

11 5. Section 2570.28 states:

12 "The board may deny or discipline a licensee for any of the following:

13 "(a) Unprofessional conduct....

14 "(c) Violating, directly or indirectly, or conspiring to violate any provision or  
15 term of the Occupational Therapy Practice Act or regulations adopted pursuant to this chapter.

16 "(d) Making or giving any false statement or information in connection with the  
17 application for issuance or renewal of a license."

18 6. Section 2570.3 states:

19 "(a) No person shall practice occupational therapy or hold himself or herself out  
20 as an occupational therapist or as being able to practice occupational therapy, or to render  
21 occupational therapy services in this state unless he or she is licensed as an occupational  
22 therapist under the provisions of this chapter...."

23 7. Section 2570.23 states:

24 "Any person who violates Section 2570.3 is guilty of a misdemeanor, and upon  
25 conviction thereof shall be punished by a fine of not more than five thousand dollars (\$5,000), or  
26 by imprisonment of not more than one year in a county jail, or by both that fine and  
27 imprisonment."

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1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Violating Occupational Therapy Practice Act)

3 8. Respondent's application is subject to denial pursuant to Section  
4 2570.28(c) in that from on or about January 1, 2003, through in or around October 2006,

5 Respondent practiced occupational therapy and held herself out as being able to practice  
6 occupational therapy and to render occupational therapy services without being licensed as an  
7 occupational therapist, in violation of Section 2570.3. The circumstances are as follows:

8 A. Commencing on or about August 28, 2000, Respondent became  
9 employed as an occupational therapist by the Tahoe Truckee Unified School District. Effective  
10 January 1, 2003, the practice of occupational therapy became subject to regulation in California  
11 and occupational therapists were required to become licensed. Respondent failed to comply with  
12 state licensing requirements and continued practicing as an unlicensed occupational therapist  
13 with the Tahoe Truckee Unified School District until approximately October 2006.

14 SECOND CAUSE FOR DENIAL OF APPLICATION

15 (False Statement In Connection With Application For License)

16 9. Respondent's application is subject to denial pursuant to Section  
17 2570.28(d) in that on or about April 10, 2006, Respondent made a false statement in connection  
18 with her application for licensure as an occupational therapist. During a telephone conversation  
19 with Board staff regarding her application, Respondent stated that she was a federal employee  
20 and therefore was exempt from state licensure requirements. In fact, in her position with the  
21 Tahoe Truckee Unified School District, Respondent was not a federal employee and was not  
22 exempt from state licensing requirements.

23 THIRD CAUSE FOR DENIAL OF APPLICATION

24 (Unprofessional Conduct)

25 10. Respondent's application is subject to denial pursuant to Section  
26 2570.28(a) on the grounds of unprofessional conduct, as set forth above in paragraphs 8 and 9.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Denying the application of Gynthia Lee Billings for a license to practice occupational therapy;
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/05/2007

  
HEATHER MARTIN  
Executive Officer  
California Board of Occupational Therapy  
Department of Consumer Affairs  
State of California  
Complainant

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